

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BASHEEN RUSH,

Plaintiff,

-against-

ANTHONY ANNUCCI, ACTING  
COMMISSIONER FOR THE NEW YORK  
STATE DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION, et al.,

Defendants.

20-CV-1165 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated at Orleans Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Person Act, 42 U.S.C. §§ 2000 *et seq.* He alleges that prison officials at multiple correctional facilities burdened the exercise of his Shi'a Muslim religion, and denied him onion-free meals to accommodate his allergy to onions. For the following reasons, the complaint is dismissed.

Plaintiff has submitted to this Court a substantially similar complaint that is pending under case number 19-CV-11830 (CM). Because this complaint raises the same claims against the same defendants, no useful purpose would be served by the further litigation of this duplicate lawsuit. Therefore, this action is dismissed without prejudice to Plaintiff's pending action under case number 19-CV-11830 (CM).

In light of the Court's belief that Plaintiff may have submitted this complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff's complaint is dismissed without prejudice as duplicative. All other pending matters are terminated.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 24, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge